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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,438	04/18/2001	Alain Gascher	1200.489	5848

7590 10/06/2004

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EXAMINER

TRUONG, THANHNGA B

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/836,438	<b>Applicant(s)</b> GASCHER, ALAIN	
	<b>Examiner</b> Thanhnga Truong	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/20/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims ~~1-4~~ are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al (US 6,088, 450), and further in view of Mittelback et al (5,475,770).

a. Referring to claim 1:

i. Davis teaches:

(1) after an initialization time (T0) defined with respect to the reference event (R) of the recognition protocol, a step of transmission by the recognition device of at least two transmission data (P1, P2) [i.e., **Referring to Figure 5, the operational steps performed by the wireless authentication system in periodically exchanging Challenge and Response messages between a node (e.g., computer, locking mechanism for car doors, home or office door entry, etc.) and the token is illustrated. In this embodiment, the node prompts a user for a password but continues to deny access to its contents and networked resources (Steps 400-405). If the password is correct, the node, namely the security device, generates a Challenge message and transmits the Challenge message covering a predetermined distal range from the node (Step 415). Thereafter, it awaits a Response message from the token and its verification before allowing the user access to the content stored on the node or its networked resources (Step 420) (column 6, lines 10-32)],**

(2) a step of transmission by the identification unit of at least two response data (P1R, P2R) in response to the transmission data (P1, P2) [i.e., **the user, that is "identification unit", enters his or her password and then sends**

**the Response message back to the node, that is "recognition protocol", after the password is verified (column 6, lines 17-50)],**

ii. Though Davis teaches timing circuit as belows:

(1) a step of measuring a reaction time ( $T_r$ ) between the transmission of a data item (P1) and the reception of a corresponding response data item (P1R) by the recognition device, and a step of verifying that the measured reaction time is less than a predetermined threshold wherein the time interval (T) between the transmission of two successive transmission data (P1, P2) and/or the initialization time ( $T_0$ ) are/is made to vary randomly [i.e., referring to Figure 5 again, if the password is incorrect, the node prompts the user to re-enter the password. Of course, the node may be configured to allow only one or more tries to enter the password before precluding access to the node without assistance by security (such as a corporate security officer) or imposing a time-delay before one can attempt to try to access the node. Furthermore, if no Response message is received after a prescribed period of time, access is denied (Step 425). Then, if the Response message is correct, the user is provided access to the node and a timing circuit integrated in the node is set to signal when the node is to generate another Challenge message and undergo another Challenge/Response session (Steps 435-445) (column 6, lines 19-46). The periodic Challenge/Response message may be performed in a number of ways as shown in FIGS. 6A-6C. These are shown purely for clarification; other means of authentication may be used without deviating from the spirit of this invention. For example, the node, namely the security device 210, may generate a random number ("RN") 500 and transmit RN 500 in a non-encrypted format as a Challenge message to the token 120 (column 6, lines 51-58)].

iii. However, Davis does not clearly state:

(1) the measured reaction time is less than a predetermined threshold.

iv. Whereas, Mittelbach teaches:

(1) the processing status of a recognition unit being determined by status information which indicates the currently running partial process of a recognition process, the value of the timer being compared with an expected value for the processing time of the partial process currently running in the recognition unit, and if the expected value is exceeded, the control unit triggers an abortion of the recognition process in the recognition unit if a further document is awaiting processing and all recognition units are busy with recognition task **(column 1, lines 55-64)**.

v. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) clearly state the processing time (in Davis) between the token and security device in order to ensure that the processing job is allocated without time delay to a recognition unit whose recognition process has previously been aborted **(column 2, lines 46-49 of Mittelbach)**.

vi. The ordinary skilled person would have been motivated to:

(1) clearly state the processing time (in Davis) between the token and security device because The allocation of processing jobs to the individual recognition units is initiated by a control unit which also monitors the time cycles of the recognition processes in the recognition units. To do so it triggers a timer for setting the processing time of the recognition process, which is compared with an expected value for the processing time of the partial process currently running in a recognition unit. The partial process results here from the processing status of the recognition unit, which is determined by status information and can be called at any time **(column 2, lines 29-38 of Mittelbach)**.

b. Referring to claim 2:

i. Davis further teaches:

(1) in which at least the time interval (T) between the transmission of two successive transmission data (P1, P2) is made to vary in the course of the same exchange of data between the recognition device and the identification unit [i.e., referring to Figure 5, if the password is incorrect, the node prompts the user to re-enter the password. Of course, the node may be configured to allow only

one or more tries to enter the password before precluding access to the node without assistance by security (such as a corporate security officer) or imposing a time-delay before one can attempt to try to access the node (column 6, lines 19-25)].

c. Referring to claim 3:

i. This claim has limitations that is similar to those of claim 2, thus it is rejected with the same rationale applied against claim 2 above.

d. Referring to claim 4:

i. Davis further teaches:

(1) furthermore comprising an authentication phase (AUT) comprising in particular a wakeup step (RE), a request step (RQ), an anticollision step (ANT), a selection step (SE) and possibly a response step (RP) [i.e., referring to FIG. 5, the operational steps performed by the wireless authentication system in periodically exchanging Challenge and Response messages between a node (e.g., computer, locking mechanism for car doors, home or office door entry, etc.) and the token is illustrated (column 6, lines 10-14)].

e. Referring to claim 5:

i. Davis further teaches:

(1) in which the step of transmission by the recognition device consists in the transmission of several transmission data (P1, P2, P3) and the step of transmission by the identification unit consists in the transmission of several corresponding response data (P1R, P2R, P3R) and furthermore comprising: a step of measuring several reaction times (Tr) between the transmission and the reception of several data (P1, P2, P3, P4), a step of calculating the average of these reaction times, and a step of comparing the latter with the predetermined threshold so as to authenticate the identification unit [i.e., thereafter, timing circuitry within the node is set for the node to generate another Challenge message after a predetermined time period has expired (Step 655), which means the node can generate as many Challenge messages and that the token has to send back as many response messages (column 8, lines 22-24)].

f. Referring to claims 6-9:

i. These claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Daiss et al (US 6,373,148) discloses a motor vehicle is provided with a usage authorization checking device that detects biometric data of a person with a biometric sensor configuration. If the usage authorization check, performed with biometrically detected data, is positive, the vehicle can be put into operation by performing a predetermined actuation without actuating a separate ignition or starter switch (see abstract).

b. Puhl et al (US 5,131,038) discloses a personal identity authentication system is provided in which parametric data of an authorized possessor is encrypted into a memory of a portable transceiver device. The portable transceiver device, carried by a possessor, may be activated by an identity request transmitted from a nearby, authorized verification device (see abstract).

c. Borza (US 5,867,802) discloses a method and system are provided for restricting the use of a vehicle such as an automobile to a person or persons whose fingerprints match biometric data stored within a memory in the vehicle's control system (see abstract).

d. Steiner (US 6,577,226) discloses An entry system (10) and an associated method are provided for a vehicle (12) that has at least one securable entrance. A lockable entrance cover (18, e.g., a door) closes the entrance to the vehicle (12). An interrogation communication arrangement has components (26 and 36) at the vehicle (12) and at an authorized person (14) (see abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 703-305-0327.

Art Unit: 2135

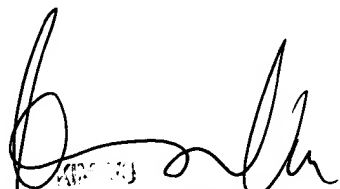
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 703-305-4393. The fax and phone numbers for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

TC 2100 will be moved to Carlyle in October 2004, the new telephone number for TC 2100 receptionist is 571-272-2100. In October 2004, any inquiry concerning this communication should be directed to Thanhnga (Tanya) Truong whose new telephone number is 571-272-3858, and the examiner's supervisor, Kim Vu can be reached at 571-272-3859.

TBT

September 23, 2004

  
SUPERVISOR, EXAMINER  
TECHNOLOGY CENTER 2100